

EXHIBIT 4



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 30, 2016

BY EMAIL

Michael P. Beys, Esq.
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Beys Liston & Mobargha LLP
825 Third Avenue, 2nd Floor
New York, New York 10022

Re: United States v. Kaleil Isaza Tuzman, S7 15 Cr. 536 (PGG)

Dear Counsel:

We write in response to your letter to the Government dated November 27, 2016.

First, the Government continues to view your contemplated extradition motion as lacking a good faith basis. Based on the substantial record developed in this case, your request to sift through the Government's files – and files possessed by other organs of the United States government – is improper and in contravention of the Rule 16. Because you are not entitled to additional, extradition-related discovery, we suggest that you seek relief from the Court. The Government will respond.

Second, the Government confirms that its files are being preserved. And, as we also confirmed in our November 18, 2016 letter, we provided your discovery demand letter – which included a document preservation request – to OIA, the Department of State and United States Embassy in Colombia. We have also provided your discovery demand letter to the FBI and the United States Postal Inspection Service (“USPIS”). The Government, however, will not “direct” other organs of the United States government to comply with your requests.

Third, with regard to the Smyth Notebooks, your November 27, 2016 letter asks a series of questions, many of which seek information to which you are not entitled under Rule 16. The Government can confirm that the USPIS possesses the original notebooks, which are being safeguarded as evidence. The Government has not conducted any forensic testing of the Smyth Notebooks, nor will we conduct any such forensic testing on your behalf. The Government does not object to your conducting a forensic test, but such testing must be conducted in a manner that preserves the Government's custody and control over the original evidence. We are prepared to meet and confer to discuss the logistics of any future testing.¹ The Government does not possess

¹ Furthermore, to the extent you conduct any forensic testing, we remind you of your Rule 16 discovery obligations. As you know, on July 20, 2016, the Government formally requested reciprocal discovery. To date, you have not produced any documents. Please confirm by December 2, 2016 that your lack of production means that you do not currently possess any evidence which you intend to introduce or otherwise rely upon at trial.

the additional information you seek about the Smyth Notebooks. The Government has not collected handwriting exemplars from Mr. Smyth or other individuals, and, consistent with Rule 16, the Government will not interview witnesses on your behalf about the Smyth Notebooks to further your investigation.

Fourth, with respect to the December 31, 2008 market manipulation agreement, the Government repeats that it is not aware of an original version. It is unclear what additional information you seek, given that representation. We are also unaware of the mode of transmission between your client, Omar Amanat, and Mr. Maiden. Your requests for additional information – including a request that we produce Mr. Maiden’s statements regarding the market manipulation agreement or, in the alternative, that we interview Mr. Maiden and provide you with his response – improperly call for production of Jencks Act material and are beyond the scope of Rule 16.

Finally, your November 27, 2016 letter requests that we “immediately advise [you] of the basis of the government’s assertion that the Maiden Computers do not contain *Brady* material.” We repeat once again that we are aware of our *Brady* obligations. To date, we have not encountered any *Brady* material on the Maiden Computers, which we have provided to you in an electronically searchable format. You are not entitled to any additional information.

Very truly yours,

PREET BHARARA
United States Attorney

by: _____/s/_____
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